

- ◆ The accounting *lists* the value and distribution of the estate assets.
- ◆ You are not required to file this document with the Court.
- ◆ You must provide a copy of this document to those who received the estate assets.

CLOSING A PROBATE CASE

- ☐ **Verified Statement of Personal Representative (notarization required)**
 - ◆ It has been at least three (3) months since you opened the estate.
 - ◆ The time for filing claims against the estate has expired.
 - ◆ You have paid or otherwise resolved all claims against the estate and paid all taxes.
 - ◆ All assets of the estate have been distributed to those entitled to them.
 - ◆ The estate is ready to be closed.
- **A year after the filing of the verified statement, the estate is considered closed.**

OTHER POSSIBLE TASKS

The personal representative may also have to do some or all of the following tasks:

- ☐ Arrange for burial or cremation of decedent.
- ☐ Give USPS change-of-address form.
- ☐ Cancel decedent's credit cards.
- ☐ Notify Social Security & Medicare, if applicable, of the death.
- ☐ Clean out closets, sheds, garage, etc. of decedent and hold estate sale, if necessary.
- ☐ Obtain taxpayer ID number for estate. Open bank account in name of estate, using this taxpayer ID number. Do not use your own social security number on this account.
- ☐ File decedent's final federal and state income tax returns, if necessary.

- ☐ File federal/state estate tax returns if estate exceeds \$1,000,000 (consult tax attorney).
- ☐ File decedent's income tax return for estate, IRS Form 1041, if **estate** earns more than \$600 gross income in a year.
- ☐ Other tasks, as needed.

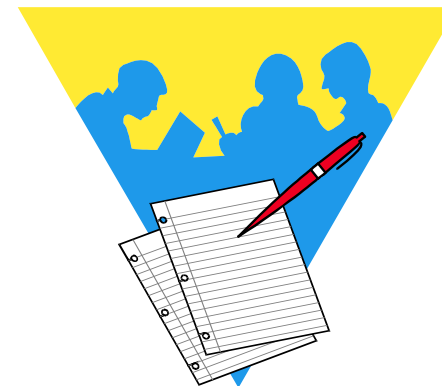
BERNALILLO COUNTY PHONE NUMBERS/E-MAIL

Probate Court: (505) 468-1233/1234
probate@bernco.gov
 County Clerk: (505) 468-1290
clerk@bernco.gov
 Treasurer: (505) 768-4031
treas@bernco.gov
 Assessor: (505) 222-3700
assessor@bernco.gov

OTHER USEFUL PHONE NUMBERS, WEBSITES, & E-MAIL ADDRESSES

IRS: 1-800-829-1040
www.irs.treas.gov
 NM Taxation & Revenue: 841-6200 (Albuq.);
 1-505-827-0700; *www.state.nm.us/tax*
 MVD: 1-888-683-4636
www.state.nm.us/tax/mvd/
 Social Security: 1-800-772-1213
www.ssa.gov
 Medicare: 1-800-633-4227
www.medicare.gov
 Dept. of Veterans Affairs: 1-800-827-1000,
www.va.gov
 Vital Statistics Dept. (for death certificates)
 841-4183 (Albuq.); 1-505-827-0121 (Santa
 Fe), *www.health.state.nm.us*, Click on
 "Health Statistics."

*This free brochure is provided as a public service
 by the Bernalillo County Probate Court.*



DUTIES OF THE PERSONAL REPRESENTATIVE

Bernalillo County Probate Court
Court of Wills, Estates & Probate
www.bernco.gov/probate_judge/

This brochure is a guide concerning the duties of the Personal Representative (also known as an Executor) of an estate. Selected deadlines that you will need to meet are also shown. You may run into other issues that require the services of an attorney. Feel free to check off tasks as you complete them.

**PERSONAL REPRESENTATIVE
 APPLIES FOR APPOINTMENT (probate
 forms available on web site or from Court)**

Application Must Include:

- ☐ Your name and relationship to the deceased person (also called the "decedent")
- ☐ Statement of domicile (primary residence of person at the time of their death)
- ☐ Names and full addresses (including yourself) of surviving:
 - ◆ 1) Spouse;

- ◆ 2) Children;
 - ◆ 3) Other Heirs; and
 - ◆ 4) Devisees (named in the will, if a will exists, including churches, schools, etc.)
- ☐ Ages of any minor children of the deceased person.
- **Do not list alternate beneficiaries (who would inherit if the first-named beneficiaries have died) unless a primary beneficiary has died.**
- ☐ Date of Decedent's Death
- ☐ Age of Decedent at time of death
- ☐ Concurrence of anyone with equal or higher priority for appointment as personal representative
- ☐ Full Signature of Applicant
- ☐ Name, Full Address and Phone # of Applicant
- ☐ Verification (Notarization)
- ☐ **Original Death Certificate**
- ☐ **Original Will (if any)**
- ☐ **Order of Informal Probate and/or of Informal Appointment of Personal Representative**
- ◆ Signed; name, full address and telephone number
- ☐ **Acceptance of Appointment**
- ◆ Must be notarized
- ☐ **Letters Testamentary (with a Will) or Letters of Administration (no Will)**

YOU'VE BEEN APPOINTED BY THE COURT, NOW WHAT?

- ☐ **Within ten (10) days of appointment (required):**

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- **Notice to Heirs and Devisees of the Estate (and to anyone who has demanded notice)**
- Proof of Notice (required)**
- ◆ Lists the Heirs and Devisees who received above Notice.
 - ◆ **Must** to be filed with the Court.
- ☐ **Within three months of appointment (required):**
- **Notice to Known Creditors (required)**
- **Notice by Publication (not required)**
- ◆ Used to notify any unknown creditors of the probate of the estate.
 - ◆ If used, must be published in a newspaper of general circulation in county.
 - ◆ If used, must be published once a week two weeks in a row.
- Creditors have two months after the mailing or first publication of the Notice to submit a claim.**
- ☐ **Affidavit of Publication**
- ◆ Is received from the newspaper that published the Notice to Creditors.
 - ◆ Original should be filed with the Court as Proof of Publication.

CLAIMS AGAINST THE ESTATE

Once you receive a claim against the estate, you are responsible for determining whether it is a valid claim.

- If you do not notify the Creditor **within 60 days** after the time for presentation of the claim has expired, it is deemed a valid claim.

You should pay valid claims out of the assets of the estate or make other arrangements to do so.

- ☐ **Within three months of appointment (required):**

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- **Prepare Inventory and Appraisal of Assets of the Estate**
- ◆ Include reasonable detail and estimated value.
 - ◆ You can hire an appraiser, but are not required to do so.
 - ◆ You must provide a copy of this document to any interested person who requests it.
 - ◆ You are not required to file this document with the Court, but may if you wish.

DISTRIBUTING THE ESTATE ASSETS

- **Priority for Distribution of Assets of the Estate**

Once the personal representative pays the New Mexico family and personal property allowances due (if any), federal and state income and estate taxes (if required), and other bills, he or she can distribute the estate assets. The personal representative must follow the provisions of the Will, if any, or intestate laws, if no Will exists.

- **The heirs of an estate can agree to distribute assets contrary to the terms of the Will or the laws of intestate succession, but:**
- ◆ The Agreement must be in writing;
 - ◆ The Agreement must be signed by all who are affected by the terms of the Agreement; and
 - ◆ File the Agreement with the Court.
- **Any real property transferred by the Personal Representative of the estate is done in his/her capacity as Personal Representative of the estate (see separate brochure on Real Property).**

PREPARING THE ACCOUNTING OF THE ESTATE

- ◆ Keep records of all receipts and disbursements of the estate.

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